

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 263-2.B.WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/CH2004/000484	International filing date (day/month/year) 03.08.2004	Priority date (day/month/year) 05.08.2003
International Patent Classification (IPC) or national classification and IPC A47J31/40, A47J31/06		
Applicant GAILLARD, Jean-Paul		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of _____ sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1-9 _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. _____ as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* 1-7 _____ received by this Authority on 14.04.2005 with letter of 14.03.2005
 - nos.* _____ received by this Authority on _____
 - ☒ the drawings:
 - sheets 1/7-7/7 _____ as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-7</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-7</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-7</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following documents:

D1 : EP-A-1 247 480 (MOEVENPICK HOLDING) 9 October 2002

D2: WO 02/058523 A (MONODOR S A ; DENISART JEAN-PAUL (CH)) 1 August 2002

D3: US-B1-6 182 554 (BEAULIEU RODERICK H ET AL) 6 February 2001

2.1. Document D1 (fig. 3) describes (the references between parentheses apply to said document): a device for preparing a coffee-based drink by extracting a dose of ground coffee from a capsule, said device including a water reservoir (21), a pump (20), a heating body (24) and a water injection unit (2, 8, 50) connected in series via a water inlet channel (24', 23, 22);

- said device further including, extending from the water injection unit, a capsule-holder (5) and an outlet (column 8, lines 9-20) for the water-coffee mixture,
- wherein said capsule-holder is capable of being manually attached to and removed from the device (implicit feature, since the capsule-holder is a

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removable part)

- and comprises means for containing a coffee capsule, such that the water supplied under pressure by the injection unit is capable of flowing through the capsule and through the outlet (column 8, lines 9-20),
- said device consisting of a single bypass channel (25), coupled via one of the ends thereof to the water inlet channel (23), and comprising, at the other end thereof, hydraulic means (26,35,40) for controlling the flow of a water-coffee mixture through the outlet (column 8, lines 9-20), the device further comprising a valve (40) arranged in the bypass channel (25).

Consequently, the subject matter of 1 differs from the known device in that :

said valve is arranged such that it is either open, thereby allowing water to flow into the bypass channel when a predetermined pressure is reached, or closed, thereby stopping any flow of water in said bypass channel when said predetermined pressure has not yet been reached.

2.2. Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)).

The problem that the present invention is intended to solve can therefore be considered to be that of obtaining a simplified device.

2.3 The solution to said problem, as proposed in claim 1

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
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of the present application, is considered to involve an inventive step (PCT Article 33(3), since none of the cited documents describes or suggests the combination of features proposed in claim 1.

3. Claims 2-7 refer back to claim 1 and therefore also meet, as such the requirements of novelty and inventive step of the PCT.